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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KARIN ANNE HOAD, an individual; SCHOOL IN THE CLOUDS ASSISI a California corporation; ASOCIACION ESCUELA EN LA NUBES ASIS, a Costa Rica asociacion; ASOCIACION FUNDO DE NATO ASIS, a Costa Rica asociacion,

Plaintiffs - Appellants,

v.

HUMANE SOCIETY OF THE UNITED STATES, a corporation; HUMANE SOCIETY INTERNATIONAL, a corporation; WAYNE PACELLE, an individual; ANDREW ROWAN, an individual; ROGER KINDLER, an individual,

Defendants - Appellees.

No. 08-55620

D.C. No. 3:07-cv-02284-DMS-NLS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Argued and Submitted October 9, 2009
Pasadena, California

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Before: PREGERSON, REINHARDT and WARDLAW, Circuit Judges.

Karin Anne Hoad, School in the Clouds Assisi, Asociación Escuela en las Nubes Asís, and Asociación Fundo de Ñato Asís (collectively, "Hoad"), appeals from the district court's judgment in favor of the Humane Society of the United States, the Humane Society International, Wayne Pacelle, Andrew Rowan, and Roger Kindler (collectively, "Defendants"). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

I.

The parties are familiar with the facts of this case, which we recite here only to the extent necessary to explain our decision. Hoad argues that this case was wrongfully removed to federal court. Specifically, Hoad argues for the first time on appeal that the Notice of Removal was defective because it referred to Defendants' states of residence rather than their states of citizenship.

At the removal stage, Defendants are "merely required to allege (not to prove) diversity." Kanter v. Warner-Lambert Co., 265 F.3d 853 (9th Cir. 2001). Here, the Notice of Removal is defective with respect to the defendants who are natural persons because it refers to each of their states of residence but contains no allegations of their states of citizenship. To establish the citizenship of a natural person for purposes of diversity jurisdiction, "a party must (a) be a citizen of the

United States, and (b) be domiciled in a state of the United States." Lew v. Moss, 797 F.2d 747, 749 (9th Cir. 1986). "A person is domiciled in a location where he or she has established a fixed habitation or abode . . . , and [intends] to remain there permanently or indefinitely." Id. at 749-50 (internal quotation marks omitted). "Residence" and "citizenship" are not synonymous. Mantin v. Broadcast Music, Inc., 244 F.2d 204, 206 (9th Cir. 1957).

Under 28 U.S.C. § 1653, "[d]efective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts." Defendants filed declarations signed under penalty of perjury in support of their motion for leave to file an amended notice of removal of civil action to the United States District Court. These declarations adequately prove Defendants' citizenship for the purposes of diversity jurisdiction. Accordingly, we "deem the pleadings amended and the jurisdictional defect cured," and grant the motion. Blue Ridge Ins. Co. v. Stanewich, 142 F.3d 1145, 1148 (9th Cir. 1998) (citing Realty Holding Co. v. Donaldson, 268 U.S. 398, 400 (1925)). We withdraw the previous order of our court that denied Defendants' motion for leave to file an amended notice of removal.

II.

Hoad next argues that the district court erred by denying her motion to remand her action to state court. "Denial of a motion to remand a case to state court for lack of removal jurisdiction is reviewed . . . de novo." United Computer Sys., Inc. v. AT & T Corp., 298 F.3d 756 (9th Cir. 2002).

None of the reasons cited by Hoad in her motion before the district court would have destroyed diversity jurisdiction or otherwise provided a basis to remand the case to state court. Hoad's residency in California would not defeat Defendants' claim of diversity jurisdiction. Defendants' alleged "minimum contacts" with the state of California are relevant to whether personal jurisdiction exists, not whether diversity jurisdiction exists. Even if Defendants do have minimum contacts with California, that does not make them California citizens for purposes of diversity jurisdiction. As explained above, for purposes of diversity jurisdiction, defendants who are natural persons are citizens of the states in which they are domiciled. Corporate defendants are citizens of the state in which they have their principal place of business and the state in which they are incorporated. Davis v. HSBC Bank Nevada, N.A., 557 F.3d 1026, 1028 (9th Cir. 2009). Finally, Defendants acted within their rights to remove the case to federal court because diversity jurisdiction existed. We affirm the district court's denial of Hoad's motion to remand to state court.

III.

Hoad argues that the district court erred by rejecting her motion for an extension of time to oppose Defendants' motions and by refusing oral argument. We disagree. "[T]he district court 'has a large measure of discretion in interpreting and applying' its own local rules." Los Angeles Mem'l Coliseum Comm'n v. City of Oakland, 717 F.2d 470, 473 (9th Cir. 1983) (quoting Lance, Inc. v. Dewco Servs., Inc., 422 F.2d 778, 784 (9th Cir. 1970)). The district court acted within its broad discretion when it rejected Hoad's motion for an extension of time to oppose Defendants' motions. Hoad's motion for an extension of time did not comply with the local rules. Hoad's earlier motion to amend her complaint and remand to state court failed to comply with those same rules, and the district court had alerted her to the violations and possible consequences of future violations. With respect to the district court's decision to decide a motion without oral argument, the local rules specifically permit the district court to do so. S.D. Cal. Local R. 7.1.d.1. The district court did not abuse its discretion in its application of the local rules.

IV.

Finally, Hoad raises several arguments that go to the merits of Defendants' motions to dismiss. Hoad did not, however, properly raise these objections before the district court. "The general rule [is] that an appellant's failure to interpose an

objection at the trial court level will ordinarily foreclose him from raising that issue on appeal." Telco Leasing, Inc. v. Transwestern Title Co., 630 F.2d 691, 693 (9th Cir. 1980) (citing Singleton v. Wulff, 428 U.S. 106, 120 (1976)). We see no reason to depart from the general rule in this case.

CONCLUSION

The judgment of the district court is affirmed. This court's November 24, 2008 order denying Defendants' motion for leave to file an amended notice of removal of civil action to United States District Court is withdrawn. Upon reconsideration, we grant Defendants' motion.

AFFIRMED.